UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,058	12/04/2001	Jeong-Dae Son	678-714(P9741)	6217

28249	7590	09/23/2004

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EXAMINER
NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/007,058	SON, JEONG-DAE
	Examiner	**Art Unit**
	Khai M Nguyen	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _12/04/2001_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1.   Claims 1-10 are rejected under 35 U.S.C. 101 as being drawn to nonstatutory subject matter.

Claims 1-10 are rejected under 35 U.S.C. 101 because the method claims 1 and 6 recited in one of programming algorithms having been held to be nonstatutory. The method claims 1 and 6 merely describes an abstract idea which is simple be any sequence of programming operation (i.e., a program, to be executed for sharing based on target board ID, e.g.) that are combined to solve a problem. The concern addressed by holding such subject matter nonstatutory is that the programming operations merely describe and do not define a process that represent a practical application of the invention idea (e.g., a method of sharing a program). Thus, the claimed invention is directed to nonstatutory subject matter wherein the method claims 1 and 6 claimed an program algorithm that lacks patentable utility regarding to Applicant's programmed system invention.

Claims 1 and 6 recite computer program steps that constitute a program per se that is not technological embodied.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by

Huan (U.S. Pat-6751658).

For examination purposes, claim 1 is interpreted as a computer

implemented method of sharing a program using target board identification (IDs)

in a mobile communication system, comprising the steps of:

Regarding claim 1, Haun teaches a computer implemented method of

sharing a program using target board identifications (IDs) in a mobile

communication system (fig.7, col.8, lines 23-42, col.9, lines 55-67, col.12, line 56

to col.13, line 14), comprising the steps of:

executing a shared execution file for a plurality of target boards in the

system when power is supplied to the system (fig.3, col.4, lines 13-17, col.9, line

55 to col.10, line 8);

reading a target board ID of each target board (fig.3, col.9, lines 37-44,

col.9, lines 55-67);

initializing target board hardware according to the target board ID (fig.3, col.9, lines 37-44);

initializing an operating system (OS) for each target board using the target board ID (fig.3, col.10, lines 9-28); and

branching into a sub-routine for each target board according to the target board ID and executing an application program for the target board (fig.3, col.8, line 43 to col.9, line 7).

Regarding claim 2, Haun teaches the method of claim 1, wherein the OS initialization varies according to the hardware structure and running conditions of each target board (fig.3, col.10, lines 17-28).

Regarding claim 3, Haun teaches the method of claim 1, wherein an application program for each target board according to the function of the target board is stored as part of a single master application program and executed in the application execution step (col.2, line 45 to col.3, line 7).

Regarding claim 4, Haun teaches the method of claim 1, wherein common functions of the target boards are incorporated into the shared execution file (col.6, lines 23-41).

Regarding claim 5, Haun teaches the method of claim 1, wherein different functions of the target boards are implemented in branch sub-routines according to the target board Ids (col.10, lines 11-16).

For examination purposes, claim 6 is interpreted as a computer implemented method of sharing a program in a mobile communication system, comprising the steps of:

Regarding claim 6, a computer implemented method of sharing a program in a mobile communication system, comprising the steps of:

storing a master execution file in a memory (col.3, lines 63-65, col.5, lines 19-33), said master execution file compiled to contain program code to operate a plurality of target boards of the mobile communication system (fig.1, col.4, line 43 to col.5, line18);

executing the master execution file for the plurality of target boards in the system when power is supplied to the system (fig.6, col.4, lines 13-17, col.9, line 55 to col.10, line 8);

reading a target board identification (ID) of each target board (fig.3, col.9, lines 37-44); initializing target board hardware according to the target board ID and the master execution file (fig.6-7, col.9, lines 37-44);

initializing an operating system (OS) for each target board using the target

board ID and master execution file (fig.6-7, col.10, lines 9-28); and

branching into a sub-routine for each target board according to the target

board ID and executing an application program of the master execution file for

each target board (fig.3, fig.6-7, col.8, line 43 to col.9, line 7).

Regarding claim 7, Haun teaches the method of claim 6, wherein the OS

initialization varies according to the hardware structure and running conditions of

each target board (fig.3, col.10, lines 17-28).

Regarding claim 8, Haun teaches the method of claim 6, wherein an

application program is compiled into the master execution file for each target

board according to the function of the target board and executed in the

application execution step (fig.6-7, col.2, line 45 to col.3, line 7).

Regarding claim 9, Haun teaches the method of claim 6, wherein common

functions of the target boards are incorporated into the master execution file

(fig.6-7, col.6, lines 23-41).

Regarding claim 10, Haun teaches the method of claim 6, wherein different functions of the target boards are implemented according to the target board IDs in branch sub-routines of the master execution file (fig.6-7, col.10, lines 11-16).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoon (U.S. Pat-5978589).

Regarding claim 11, Yoon teaches a system for sharing a program in a mobile communications system having a control unit and a plurality of target boards (fig.1, fig.3-4, col.1, lines 44-57), comprising:

wherein the control unit stores an execution file compiled to contain program code to operate each of the plurality of target boards (fig.1,fig.3-4, col.1, lines 44-57, col.2, line 43 to col.3, line19).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Yoon (U.S. Pat- 5978589) in view of Huan (U.S. Pat-6751658).

Regarding claim 12, Yoon teaches the system for sharing a program in a

mobile communications system of claim 11.

Yoon fails to specifically disclose each of the plurality of target boards is

assigned an identification (ID) code that the control unit reads and executes

subroutines of the execution file according to the ID code of the target board.

However, Huan teaches each of the plurality of target boards is assigned an

identification (ID) code that the control unit reads and executes subroutines of the

execution file according to the ID code of the target board (fig.3, fig.6-7, col.10,

lines 11-16). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to use each of the plurality of target

boards is assigned an identification (ID) code that the control unit reads and

executes subroutines of the execution file according to the ID code of the target

board as taught by Huan with Yoon teaching in order to maintenance of current

computing environments is complex and time consuming.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 703.305.3906. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703.308.7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2684

NICK CORSARO
PRIMARY EXAMINER

09/17/2004